



MARSHALL & MELHORN  
FOUR SEAGATE, EIGHTH FLOOR  
TOLEDO, OH 43604

**COPY MAILED**

**NOV 22 2005**

**OFFICE OF PETITIONS**

In re Patent No. 6,786,562  
Issue Date: September 7, 2004  
Application No. 09/934,943  
Filed: August 22, 2001  
Attorney Docket Number: 1-15090

ON PETITION

This is a decision regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 22, 2005.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28( c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

This file is being forwarded to the Files Repository.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions